

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)	
	:	Examiner: M. M. Ali
Hiroyuki MARUYAMA)	
	:	Group Art Unit: 3744
Application No.: 10/776,168)	
	:	Confirmation No.: 3772
Filed: February 12, 2004)	
	:	
For: REFRIGERANT SUPPLY)	June 11, 2007 (Monday)
APPARATUS	:	
	:	
U.S. Patent No. 7,201,016)	
	:	
Issued: April 10, 2007)	

Attention: Office of Patent Legal Administration
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

Sir:

Patentee hereby requests under 37 CFR 1.705(d), reconsideration and recalculation of the Patent Term Adjustment (PTA) for the above-identified U.S. Patent.

For at least the following reasons, Patentee believes that the subject Patent is entitled to a PTA of **five hundred twenty-seven (527)** days, rather than the three hundred sixty-nine (369) days, as indicated on the Issue Notification dated March 21, 2007.

FACTS

1. The above-identified Patent issued from Application No. 10/776,168 filed February 12, 2004.

2. On May 23, 2006, a Notice of Allowance and Issue Fee(s) Due (Notice) was mailed in the application. Attached to the Notice was a determination of patent term adjustment under 35 U.S.C. § 154(b) indicating a patent term adjustment of three-hundred forty-two (342) days.

3. On June 5, 2006, Applicant filed a Letter Requesting Consideration of Papers Timely Filed. Specifically, Applicant requested the Examiner to acknowledge receipt of the Submission of Priority Document and the certified copy of the priority document that was filed in the U.S. Patent and Trademark Office on May 7, 2004, submitting the certified copy of Japanese patent document number 2003-038610, filed February 17, 2003.

4. On June 7, 2006, Applicant paid the Issue Fee and Publication Fee.

5. The subject Patent is not subject to any Terminal Disclaimer.

6. On July 14, 2006, Applicant filed a Request for Citation of Patent, in order to make of record a patent referenced by the Examiner.

7. The Patent Application Information Retrieval (PAIR) system of the U.S. Patent and Trademark Office (PTO) for this application indicates an Applicant-delay period of (1) thirty-eight (38) days for a "Miscellaneous Incoming Letter" filed on "06-06-2006", i.e., the Letter Requesting Consideration of Papers Timely Filed, (2) a delay of one hundred twenty (120) days for an Information Disclosure Statement filed on July 14, 2006, and (3) a total PTO-delay period of five hundred twenty-seven (527) days. A copy of the PAIR system printout is attached.

8. The above-identified Patent issued on April 10, 2007, with a patent term adjustment of three hundred sixty-nine (369) days shown on the cover page.

9. The Applicant-delay periods of 38 and 120 days are contested for the reasons provided below. The PTO-delay period shown on the PAIR printout is not contested.

ARGUMENTS

1. 37 C.F.R. § 1.704(a) provides that “[t]he period of adjustment of the term of the patent under Section 1.703(a) through (e) shall be reduced by a period equal to the period of time during which the Patentees fail to engage in reasonable effort to conclude prosecution (processing or examination of the examination).”

2. Patent term adjustment is reduced by the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution. See 35 U.S.C. § 154(b)(2)(C)(i).

3. Patentee agrees with the assessment of the PTO-delay period of 527 days.

4. Patentee, however, disagrees with the assessment of the Applicant-delay period of 38 days and 120 days. Rather, Patentee submits that this delay period should be assessed at zero (0) and zero (0) days, respectively. Specifically, Patentee earnestly believes that the filing of papers to correct the official record caused by errors on the part of the PTO should not be considered to be a failure on Patentee’s part to engage in reasonable efforts to conclude prosecution.

5. Patentee submits, therefore, that the total delay period should be the total of the PTO-delay period of five hundred twenty-seven (527) days.

RELIEF REQUESTED

For the foregoing reasons, Patentee requests reconsideration of the patent term adjustment, in which the Applicant-delay period of 158 days should be assessed as zero (0) days. Patentee, therefore, requests that a Certificate of Correction be issued *sua sponte* indicating a PTA of **five hundred twenty-seven (527)** days.

FORMAL MATTERS

Submitted electronically is the statutory fee of \$200.00 for the fee set forth in 37 CFR 1.18(e). Any deficiency in this fee may be charged or any overpayment credited to Deposit Account No. 06-1205.

REQUEST FOR INTERVIEW

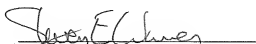
If any questions remain, Patentee requests that the U.S. Patent and Trademark Office contact Patentee's undersigned representative at (202) 530-1010 to schedule an interview.

CONCLUSION

Patentee requests favorable consideration and prompt correction of the PTA as set forth above.

Patentee's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven E. Warner", is written over a horizontal line.

Attorney for Patentee
Steven E. Warner
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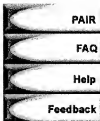
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PATENT APPLICATION INFORMATION RETRIEVAL



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Patent Term Adjustment (PTA) for application number: 10/776,168			
			Days
Filing or 371(c) Date:	02-12-2004	USPTO Delay (PTO):	527
Issue Date of Patent:	04-10-2007	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	158
Post-Issue Petitions (days):	+0	Total PTA:	369
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
03-21-2007	PTA 36 Months		
04-10-2007	Patent Issue Date Used in PTA Calculation	185	
01-08-2007	Dispatch to FDC	↑	
07-14-2006	Information Disclosure Statement considered	↑	
08-03-2006	Mailing Corrected Notice of Allowability	↑	
08-01-2006	Corrected Notice of Allowability	↑	
07-14-2006	Reference capture on IDS	↑	
07-14-2006	Information Disclosure Statement (IDS) Filed	↑	120
06-23-2006	Dispatch to FDC	↑	
06-13-2006	Application Is Considered Ready for Issue	↑	
06-06-2006	Miscellaneous Incoming Letter	↑	38
06-13-2006	Mail Acknowledgement of Priority Papers	↑	
06-12-2006	Acknowledgement of Priority Papers	↑	
06-07-2006	Issue Fee Payment Verified	↑	
06-07-2006	Issue Fee Payment Received		
05-23-2006	Mail Notice of Allowance		
05-18-2006	Notice of Allowance Data Verification Completed		

04-28-2006	Date Forwarded to Examiner		
04-20-2006	Response after Non-Final Action		
03-20-2006	Mail Non-Final Rejection	342	
03-17-2006	Non-Final Rejection	↑	
02-12-2004	Information Disclosure Statement considered	↑	
01-26-2006	IFW TSS Processing by Tech Center Complete	↑	
02-12-2004	Information Disclosure Statement (IDS) Filed	↑	
01-26-2006	Case Docketed to Examiner in GAU	↑	
12-09-2005	Transfer Inquiry to GAU	↑	
03-30-2004	Reference capture on IDS	↑	
03-30-2004	Information Disclosure Statement (IDS) Filed	↑	
05-07-2004	Request for Foreign Priority (Priority Papers May Be Included)	↑	
05-18-2004	Transfer Inquiry to GAU	↑	
05-07-2004	Application Return from OIPE	↑	
05-07-2004	Application Return TO OIPE	↑	
05-07-2004	Application Dispatched from OIPE	↑	
05-07-2004	Application Is Now Complete	↑	
03-22-2004	Cleared by OIPE CSR	↑	
03-03-2004	IFW Scan & PACR Auto Security Review	↑	
02-12-2004	Initial Exam Team nn	↑	

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